

NOT DESIGNATED FOR PUBLICATION  
**ARKANSAS COURT OF APPEALS**

DIVISION IV  
No. CACR08-518

WILLIE HOLLIMAN,

APPELLANT

V.

STATE OF ARKANSAS,

APPELLEE

**Opinion Delivered** October 1, 2008

APPEAL FROM THE CLARK  
COUNTY CIRCUIT COURT,  
[NO. CR-05-196]

HONORABLE JOHN ALEXANDER  
THOMAS, JUDGE,

AFFIRMED

---

**SAM BIRD, Judge**

Willie Holliman appeals the revocation of his probation, challenging the sufficiency of the evidence. The circuit court found that Holliman had violated the conditions of his probation by failing to abstain from illegal drug use, failing to submit to counseling when required, and failing to complete an inpatient, drug-treatment program ordered by the court. The circuit court therefore revoked Holliman's probation and sentenced him to five years in the Arkansas Department of Correction. We hold that the evidence was sufficient to support the circuit court's findings that Holliman violated conditions of his probation, and we affirm the revocation.

On October 10, 2005, Holliman pleaded guilty to abuse of adults, a Class C felony, and was placed on probation for five years. On March 30, 2006, the State filed a motion to revoke his probation alleging the following violations of his conditions: failure to report as directed; failure to submit to counseling; failure to pay supervision fees; and failure to pay

restitution, fines, or costs. Several continuances were ordered, and on March 23, 2007, the State filed a separate motion to revoke probation on the basis of the following violations: failure to abstain from illegal drug use; failure to report as directed; failure to submit to drug counseling; failure to pay supervision fees; failure to pay restitution, fines, or costs; failure to perform community service; and failure to complete residential treatment as ordered by the court on August 7, 2006. The circuit court held a hearing on January 7, 2008, and found that Holliman had violated the conditions of his probation by failing to abstain from illegal drug use; failing to report to counseling for inpatient treatment when ordered; and, once he reported for treatment, failing to remain in the residential treatment program for the time ordered.

At the hearing, Casey Jackson, Holliman's probation officer, testified that Holliman signed a written confession on August 25, 2006, admitting that he had used "weed" and crack cocaine on August 21 and 22, 2006. Jackson tested Holliman on August 25th and he tested positive for the presence of drugs. Holliman admitted at the hearing that he used drugs when he got lonely or disappointed in himself and said that he quit using drugs several months before the hearing. Moreover, he admitted specifically that he had used marijuana and crack in August of 2006.

With regard to the charges of failing to report timely to counseling and failing to remain in the residential treatment facility for the amount of time ordered, Jackson testified that, on August 7, 2006, the circuit court ordered Holliman to submit to drug counseling at Chase Sobriety beginning within fourteen days. Jackson stated that Holliman did not report to Chase until August 25, 2006, and that he left Chase at Thanksgiving, several months before

completion of the six-month program.

In order to revoke probation or a suspension, the trial court must find by a preponderance of the evidence that the defendant inexcusably violated a condition of that probation or suspension. *Peterson v. State*, 81 Ark. App. 226, 100 S.W.3d 66 (2003). The State bears the burden of proof, but need only prove that the defendant committed one violation of the conditions. *Richardson v. State*, 85 Ark. App. 347, 157 S.W.3d 536 (2004). We do not reverse a trial court's findings on appeal unless they are clearly against the preponderance of the evidence, *Sisk v. State*, 81 Ark. App. 276, 101 S.W.3d 248 (2003), and, because a determination of a preponderance of the evidence turns on questions of credibility and weight to be given to the testimony, we defer to the trial judge's superior position. *Jones v. State*, 355 Ark. 630, 144 S.W.3d 254 (2004).

Here, Jackson testified that he had a signed confession from Holliman that he had used drugs, Jackson testified that a drug test revealed the presence of drugs, and Holliman admitted that he had used drugs. Therefore, we hold that the circuit court's finding that Holliman violated the condition of his probation requiring him to refrain from illegal drug use is not clearly against the preponderance of the evidence. Because the State need only prove that Holliman committed one violation of the conditions, we need not address the other violations. We affirm.

Affirmed.

GLADWIN and ROBBINS, JJ., agree.